

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
ROCK HILL DIVISION

L.W. Benjamin,	)	C/A No. 0:07-641-JFA-JRM
	)	
Plaintiff,	)	
v.	)	<b>ORDER</b>
	)	
William M. Brice, Jr.,	)	
	)	
Defendant.	)	
	)	

This matter is before the court for review of the Magistrate Judge's Report and Recommendation made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b)(1).

The plaintiff filed the present action requesting that his state court civil action be removed to this court pursuant to Rule 81(c) of the Federal Rules of Civil Procedure.

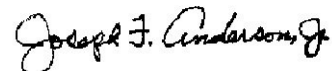
The United States Magistrate Judge has filed a Report and Recommendation suggesting that the complaint be dismissed for failure to state a claim on which relief can be granted. The Magistrate Judge also recommends that the plaintiff's motion to proceed *in forma pauperis* be denied.

Plaintiff was apprised of his right to file objections to the Report and Recommendation and has done so in a one-page, three-sentence objection memorandum that states:

“Plaintiff Object to Recommendation. Plaintiff Motion for (in forma pauperis). Plaintiff with-draws the above case and Re-File his Complaint.”

Because the plaintiff has not provided specific objections to the Report and because the plaintiff has since filed a new complaint under a separate civil action number, the court will adopt the Report of the Magistrate Judge. Accordingly, this action is dismissed without prejudice and without service of process.

IT IS SO ORDERED.



Joseph F. Anderson, Jr.  
United States District Judge

April 19, 2007  
Columbia, South Carolina